

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

REDPRAIRIE CORPORATION,

Plaintiff,

v.

Case No. 05-C-1072

JEROME'S FURNITURE WAREHOUSE,

Defendant.

ORDER

On January 5, 2007, this court conducted a telephone scheduling conference. Appearing for the plaintiff was Attorney Donald Daugherty, Jr. and Attorney Brian Pfeil appeared for the defendant. The court discussed the plaintiff's motions to strike the defendant's experts. For reasons more fully explained on the record, the court issued the following ruling on the plaintiff's motions:

1. The plaintiff's motion to strike the experts reports, (Docket No. 57), is **granted in part and denied in part**. The motion to strike the October 31, 2006 expert report of Brooks R. Hilliard is **granted**. However, the plaintiff's motion is **denied** as to the expert report of Michael Bandemer.

2. The plaintiff's motion to strike the second expert report of Brooks R. Hilliard (Docket No. 60) is **granted in part and denied in part**. To the extent that the report constitutes rebuttal, the report shall be allowed. As to which specific portions of the report are stricken and which will be allowed, the court will make that determination as needed. For example, the issue may arise when the parties submit their respective motions for summary judgment. If the plaintiff believes that the defendant is attempting to use a "non-rebuttal" portion of Hilliard's report to support its motion, the plaintiff should ask in its response to the motion that the court either strike or not consider the allegedly improper use of the report.

3. The defendant's motion to extend the time to serve the expert report of Michael Bandemer (Docket No. 68) is **denied**. However, by **February 15, 2007**, the defendant shall be permitted to supplement the expert report of Michael Bandemer. This supplementation shall be limited to matters specifically referenced in his October 31, 2006 report for which he needed more time to complete. If Bandemer's supplemental report includes matters not referenced in his October 31, 2006 report, the court will consider a motion to strike those portions.

4. The plaintiff shall have until **May 31, 2007**, to depose Bandemer and to serve a rebuttal report to Bandemer's report. If the defendant seeks to conduct a supplemental deposition of the plaintiff's expert, limited to matters in rebuttal, such deposition shall be completed by **June 29, 2007**.

5. All motions for summary judgment shall be filed no later than **February 5, 2007**, and shall be filed in accordance with the district's local rules.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 5th day of January, 2007.

s/AARON E. GOODSTEIN
U.S. Magistrate Judge